

# Niger

## EXECUTIVE SUMMARY

Niger is a multiparty republic. President Issoufou Mahamadou won a second term in March 2016 with 92 percent of the vote. The African Union certified the election as free and fair over the criticism of some domestic observers, who noted the jailing of the entire leadership of the lead opposition party among other irregularities. The government refused to follow a Constitutional Court ruling for a parliamentary election in the district of Maradi to replace a representative who had died.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included attacks by armed groups that resulted in death, disappearances, and abuse; arbitrary arrest and detention of accused terrorists or other combatants by government security forces; harsh and life-threatening prison and detention center conditions; detention of opposition politicians; restrictions on freedom of assembly; allegations of widespread official corruption; lack of accountability in cases involving violence against women and children, including rape and female genital mutilation/cutting (FGM/C); trafficking in persons, caste-based slavery, and forced labor..

The government took some steps to prosecute officials who committed abuses, but impunity remained a problem.

Terrorist groups targeted and killed civilians and recruited child soldiers.

## Section 1. Respect for the Integrity of the Person, Including Freedom from:

### a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

Unlike in the previous year, there were no reports that the government or its agents committed arbitrary or unlawful killings.

Armed terrorist groups including Boko Haram and groups affiliated with al-Qaida and ISIS-West Africa attacked and killed civilians and security officers (see section 1.g.).

### b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices; however, there were reports security forces beat and abused civilians. Security forces were also accused of rape and sexual abuse, which the government claimed to investigate.

There were indications that security officials were sometimes involved in abusing or harming

detainees, especially members of the Fulani minority or those accused of affiliation with Boko Haram. The government and military reportedly investigated these accusations, although no information was available on their conclusions.

On April 10, a university student protest turned violent when police fired tear gas to disperse students. An August 18 report by a government-convened commission confirmed that a student, Mallah Bagale, died due to injuries received when hit in the head with a tear gas canister. On August 22, a court found three police officers guilty of using brutality against the protesters and sentenced them to one year in prison and a fine of 15 million CFA francs (\$27,575). The gendarme allegedly responsible for firing the tear gas canister that killed Bagale had not been named nor had he faced charges, and the gendarmerie refused to cooperate with the investigative committee.

## **Prison and Detention Center Conditions**

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Conditions in the prisons were harsh and life threatening due to food shortages, gross overcrowding, and inadequate sanitary conditions and medical care.

Physical Conditions: Overcrowding was a problem in most prison facilities. For example, in Kollo Prison, prisoners slept outside in the courtyard due to lack of space inside the wards. Large numbers of individuals detained and charged with terror offenses continued to exacerbate overcrowding in Diffa, Niamey, Koutakale, and Kollo prisons and the Central Service for the Fight against Terrorism (SCLCT) detainee processing centers in Niamey and Diffa. Prison officials held female inmates in separate quarters that were less crowded and relatively cleaner than men's quarters. They generally held juveniles separately in special rehabilitation centers or in judicially supervised homes, although they held some juvenile prisoners with adult prisoners. Authorities held pretrial detainees with convicted prisoners.

Prison deaths occurred regularly, some from malaria, meningitis, and tuberculosis, but no statistics were available.

Nutrition, sanitation, potable water, and medical care were poor, although officials allowed inmates to receive supplemental food, medicine, and other items from their families. Basic health care was available, and authorities referred patients with serious illness to public health-care centers.

Administration: Judicial authorities and the governmental National Human Rights Commission (CNDH) investigated and monitored prison and detention center conditions and followed up on credible allegations of inhuman conditions. Prison management generally permitted prisoners and detainees to submit complaints to judicial authorities without censorship.

Independent Monitoring: Authorities generally granted the International Committee of the Red Cross (ICRC), the CNDH, and human rights groups access to most prisons and detention centers, including police station jails, and these groups conducted visits during the year.

Improvements: During the year the government increased the number of meals for inmates from two to three in accordance with a law passed on March 31 and improved prisoner access to fresh water. The government reported building five new detention centers meeting the norms established by the new law, and improving the equipment, including surveillance cameras, in four existing prisons.

## **d. Arbitrary Arrest or Detention**

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The constitution and law prohibit arbitrary arrest and detention, and the law prohibits detention without charge for more than 48 hours, but police occasionally violated these provisions. The law allows individuals accused of terror-related crimes to be detained without charge for a longer period. Persons arrested or detained are entitled to challenge in court the legal basis or arbitrary nature of their detention.

## Role of the Police and Security Apparatus

The national police, under the Ministry of Interior, Public Security, Decentralization, and Customary and Religious Affairs (Ministry of Interior), is responsible for urban law enforcement. The gendarmerie, under the Ministry of National Defense, has primary responsibility for rural security. The National Guard, also under the Ministry of Interior, is responsible for domestic security and the protection of high-level officials and government buildings. The armed forces, under the Ministry of National Defense, are responsible for external security and, in some parts of the country, for internal security. During the year the government renewed a state of emergency in Diffa Region and declared a new and continuing state of emergency on March 3 in the Tillabery and Tahoua Regions. Civilian authorities generally maintained effective control over security forces, although at times individual soldiers and police acted independently of the command structure.

Police were largely ineffective due to a lack of basic supplies, such as vehicle fuel, radios, and other investigatory and law enforcement equipment. Patrols were sporadic, and the emergency response time in Niamey could be 45 minutes or more. Police training was minimal, and only specialized police units had basic weapon-handling skills. National Guard troops were assigned rotationally as prison guards for six months at a time but had little or no prison-specific training. A law passed in March created a specialized cadre of prison police, the first representatives of whom were undergoing training at year's end. Citizens complained security forces did not adequately police border regions, remote rural areas, and major cities. Corruption remained a problem.

The gendarmerie is responsible for the investigation of police abuses; nevertheless, police impunity remained a problem.

## Arrest Procedures and Treatment of Detainees

The constitution and law require arrest warrants. The law allows individuals to be detained for 48 hours without charge and an additional 48 hours if police need more time to gather evidence, although authorities sometimes held detainees implicated in sensitive cases longer than legally permitted. Under the Terrorism Law, individuals detained on suspicion of committing terrorism-related offenses may be detained for 10 days, extendable once for an additional 10 days. This 10-day period begins once suspects reach the Niamey SCLCT; terror suspects apprehended in the rural Diffa Region may spend days or weeks in custody before officials transport them to Niamey. Security forces usually informed detainees promptly of the charges against them. There was a functioning bail system for crimes carrying a sentence of less than 10 years. Authorities must notify those arrested of their right to a lawyer within 24 hours. The constitution calls for the government to provide a lawyer for indigents in civil and criminal cases, although this did not always occur. Widespread ignorance of the law and lack of funds prevented many defendants from exercising their rights to bail and an attorney. Except for detainees suspected of terrorism, authorities did not detain suspects incommunicado.

Arbitrary Arrest: Police occasionally conducted warrantless sweeps to detain suspected criminals. Police and other security force members often rounded up persons accused of being members of, or supporting terrorist groups, based on circumstantial evidence, subsequently holding them for months or even years (see section 1.g.).

Pretrial Detention: Lengthy pretrial detention was a problem. Although the law provides for maximum pretrial confinement of 30 months for serious crimes and 12 months for less serious offenses (with special extensions in certain sensitive cases, including terrorist-related offenses), some detainees waited as long as five years to be tried. A majority of prisoners were awaiting trial, with one nongovernmental organization (NGO) stating the percentage was as high as 75 percent. Judicial inefficiency, inadequate resources, staff shortages, corruption, and executive branch interference lengthened pretrial detention periods. By contrast, high-profile detainees benefited from extended provisional release.

## **e. Denial of Fair Public Trial**

Although the constitution and law provide for an independent judiciary, the executive branch sometimes interfered with the judicial process. The government reassigned some judges to low-profile positions after they asserted independence in handling high-profile cases or rendered decisions unfavorable to the government. There were allegations the government interfered or attempted to interfere in high-profile court cases involving opposition leaders. Judicial corruption--exacerbated by low salaries and inadequate training--and inefficiency remained problems. There were reports family and business ties influenced lower-court decisions in civil matters. Judges granted provisional release pending trial to some high-profile defendants, who were seldom called back for trial and had complete freedom of movement, including departing the country, and could run as candidates in elections.

Customary courts and traditional mediation did not provide the same legal protections as the formal court system. Traditional chiefs may act as mediators and counselors. They have authority to arbitrate many customary law matters, including marriage, inheritance, land, and community disputes, but not all civil issues. Chiefs received government stipends but had no police or judicial powers.

Customary courts, based largely on Islamic law, try only civil law cases. A legal practitioner with basic legal training, advised by an assessor with knowledge of the traditions, heads these courts. Formal law does not regulate the judicial actions of chiefs and customary courts, although defendants may appeal a verdict to the formal court system. In contrast with the formal court system, women do not have equal legal status with men in customary courts and traditional mediation, nor do they enjoy the same access to legal redress.

## **Trial Procedures**

The law affirms the presumption of innocence. Defendants have the right to be informed promptly and in detail of the charges against them. The law also provides free interpretation for defendants who do not speak French, the official language, from the moment charged through all appeals. Trials are public, and defendants have the right to be present at their trial. Defendants have the right to counsel, which is at public expense for minors and indigent defendants charged with crimes carrying a sentence of at least 10 years' imprisonment. Officials provided defendants adequate time and facilities to prepare a defense. Defendants have the right to confront witnesses and present witnesses and evidence on their own behalf. They are not compelled to testify or confess guilt. Defendants may appeal verdicts, first to the Court of Appeals and then to the Supreme Court.

Although the constitution and law extend these rights to all citizens, widespread ignorance of the law prevented many defendants from taking advantage of these rights. Judicial delays due to the limited number of jurisdictions, staff shortages, and lack of resources were common.

## **Political Prisoners and Detainees**

A small number of individuals who could be categorized as political prisoners remained incarcerated during the year. In the lead-up to the 2016 presidential election, the government detained 13 members of the opposition party the Democratic Movement for an African Federation (MODEN-FA Lumana), including party head Hama Amadou. Three of the group remained jailed, on trial on corruption charges related to their management of a food assistance program in 2005. Authorities released several others without charge on March 24. They subsequently alleged the government arrested and held them through the election season to reduce their party's success in the polls. Amadou was allowed medical release and departed for France in 2016. He was tried in absentia and sentenced on March 13 to a year in prison on charges of participating in a baby-smuggling operation.

Seven military officers of the nine arrested in 2015 on accusation of plotting a coup remained in jail pending trial. One civilian detained in connection with the alleged coup plot also remained in jail. On September 22, one of the officers held in the Tera Prison alleged a reported prison break attempt was intended as a cover for an assassination attempt on his life. He had also been reporting harassment from other inmates.

Authorities generally granted the ICRC, the CNDH, and human rights groups access to political prisoners, and these groups conducted visits during the year.

## Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations. They may also appeal decisions to the Court of Justice of the Economic Community of West African States (ECOWAS). Individuals and organizations may appeal adverse domestic court decisions to regional human rights bodies, such as the ECOWAS Court of Justice.

## f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law generally prohibit such actions, but there were exceptions. Police may conduct searches without warrants when they have a strong suspicion a house shelters criminals or stolen property. Under state-of-emergency provisions in Diffa Region, authorities may search houses at any time and for any reason.

## g. Abuses in Internal Conflicts

The regional fight against the terrorist group Boko Haram continued in the east, while extremist groups linked to the conflict in Mali terrorized the west of the country. Several groups with links to al-Qaida and ISIS were active in the country during the year.

Killings: Criminals and extremist groups conducted attacks in the western regions of Tillabery and Tahoua, leading to 80 deaths in the first 10 months of the year. According to tracking by international groups, terror attacks in the Diffa Region during the first 10 months of the year killed an estimated 152, most of them civilians. The government reported 27 civilian fatalities and seven injuries caused by Boko Haram during the first eight months of the year.

Abductions: The government reported Boko Haram abducted 57 civilians during the first eight months of the year, and that 47 of them remained unaccounted for as of September. Armed groups in northern Tillabery Region also abducted several villagers during the year. The status of one U.S. citizen abducted in Tahoua in late October remained undetermined.

Physical Abuse, Punishment, and Torture: Boko Haram militants often targeted noncombatants, including women and children, and used violence, intimidation, theft, and threats to get what they wanted from local villages.

Child Soldiers: Boko Haram recruited and used children in both combatant and noncombatant roles. There were reports of forced marriages to Boko Haram militants.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

Other Conflict-related Abuse: Aid organizations in Diffa Region were sometimes unable to obtain the required security escorts to travel outside of Diffa town for aid distribution; security forces deemed certain areas insufficiently secure for humanitarian access and at times did not have sufficient resources to provide escorts. Boko Haram militants burned homes and villages, displacing civilians.

## Section 2. Respect for Civil Liberties, Including:

### a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech, including for the press, but the government sometimes threatened and arrested journalists and members of the media.

Freedom of Expression: The government cracked down on civil society activists and some journalists who expressed criticism of the government. On May 14, police arrested civil society activist Insar Abdourahmane in Agadez on charges of inciting violence based on his Facebook posts related to the so-called Uraniumgate scandal (wherein the government stands accused of price-fixing its uranium reserves with the French nuclear energy company Areva) and criticizing the government's unwillingness to allow peaceful demonstrations on the subject. A court sentenced Abdourahmane to a six-month suspended sentence on June 8.

The CNDH expressed concern over attacks on freedom of expression. International media watchdog organizations also issued statements of concern. The Association of West African Journalists issued a statement in April, and Reporters Without Borders put out a statement in July.

Violence and Harassment: Authorities occasionally subjected journalists and civil society activists to arrest apparently linked to their reporting.

On September 11, a judge granted Ali Soumana, managing director and owner of the independent daily newspaper *Le Courier*, provisional release after he had served more than two months of pretrial detention on charges of "obtaining judicial documents through fraudulent means." Authorities had first detained him on June 29. His case was related to *Le Courier's* role in publishing a court document regarding a breach-of-contract issue between the government and the Lebanese document company Africard. Press Freedom watchers alleged the charges against Soumana were a violation of the 2010 press law, which protects journalists from charges related to their work.

Censorship or Content Restrictions: Journalists generally did not practice self-censorship, although they reported sometimes encountering pressure against antigovernment speech. Public media generally did not cover the statements or activities of opposition parties and civil society organizations critical of the government.

National Security: The declaration of the state of emergency in Diffa, Tillabery, and Tahoua Regions grants the government the authority to censor media for security reasons.

### Internet Freedom

Authorities detained activists and charged them for expressing political opinions on social media. On August 27, police detained civil society activist Sirajo Issa, opposition civil society activist and president of the Youth Movement for the Emergence of Niger, for distributing communications deemed insulting to the government. The charge against him, insulting a public officer, was connected with a WhatsApp conversation claiming members of the country's Islamic Council had accepted a bribe to select a Saturday instead of Friday date for the annual Eid al-Adha celebration (locally called "Tabaski"). On September 11, during the week following the Eid celebration, a judge ruled for his release without charge.

According to the International Telecommunication Union, approximately 4.3 percent of the population used the internet in 2016.

### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

## **b. Freedoms of Peaceful Assembly and Association**

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The government limited/restricted freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

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Although the constitution and law provide for freedom of assembly, police sometimes forcibly dispersed demonstrators. The government retained authority to prohibit gatherings under tense social conditions or if organizers did not provide 48-hour advance notice.

The government banned planned opposition political rallies and civil society-organized gatherings in January and May. Municipal authorities often denied official permission for opposition demonstrations and rallies.

### **Freedom of Association**

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The constitution and law provide for freedom of association, and the government generally respected this freedom. The law does not permit political parties based on ethnicity, religion, or region.

## **c. Freedom of Religion**

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See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

## **d. Freedom of Movement**

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The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government respected most of these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, or other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: There were widespread reports that immigration and security service members demanded bribes from migrants.

In-country Movement: Security forces at checkpoints throughout the country monitored the movement of persons and goods, particularly near major population centers, and sometimes demanded bribes. Transportation unions and civil society groups continued to criticize such practices.

### **Internally Displaced Persons (IDPs)**

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UNHCR estimated there were more than 127,000 IDPs in Diffa Region and 14,500 displaced returnees as a consequence of Boko Haram-instigated violence. These IDPs resided mainly in out-of-camp settings in the region. Heavy seasonal rains left several thousand individuals homeless in July and August throughout the country. The government worked with foreign donors, international aid organizations, and NGOs to supply IDPs with shelter, food, water, and other necessities. The government engaged in efforts to promote the safe voluntary return or resettlement of IDPs.

Refugees and IDPs in Diffa Region were vulnerable to armed attacks and unlawful recruitment of child soldiers by Boko Haram.

International humanitarian organizations reported that intercommunal conflict between farmers and herders and between rural communities and bandits, especially in northern Tillabery Region, resulted in displacement. Competition for scarce resources--spurred by desertification and population growth--resulted in periodic conflict between farmers and herders. Incursions by armed rebels from Mali and sporadic acts of banditry on main roads also caused residents to flee.

## Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

As of August UNHCR-managed sites hosted approximately 57,280 Malian refugees in Tillabery and Tahoua Regions. UNHCR also managed one camp in Diffa Region for refugees and one camp in Diffa Region for IDPs. UNHCR estimated there were more than 106,000 Nigerian refugees in Diffa Region, along with more than 400 refugees from Chad or other countries who lived mostly in spontaneous settlements. More than 92 percent of the refugees in Diffa Region resided outside of formal camps.

In the western part of the country, the government estimated 60,000 registered Malian refugees with prima facie refugee status lived primarily in three camps (Tabareybarey, Mangaize, and Abala) and one official "refugee zone" (Intekan), where the refugees could settle freely with their livestock and thus maintain their traditional pastoral way of life.

Temporary Protection: The government provided temporary protection to an unknown number of individuals who may not qualify as refugees under the 1951 Refugee Convention or its 1967 protocol.

## Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### Elections and Political Participation

Recent Elections: President Issoufou of the Nigerien Party for Democracy and Socialism (PNDS) won his second mandate in the 2016 presidential election, while a coalition led by the PNDS won 118 of 171 National Assembly seats in the legislative elections. The opposition MODEN-FA Lumana party secured 25 seats, and the National Movement for the Development of Society won 20 seats. PNDS party member Brigi Rafini retained his post as prime minister. The African Union certified the election as free and fair over the criticism of some domestic observers, who noted the jailing of the entire leadership of the lead opposition party, among other irregularities.

In anticipation of presidential elections in 2016, the government postponed local elections scheduled for 2015. Subsequent legislation allowed the government to authorize the continued service of locally elected officials who should have run for election in 2015 but had not by year's end.

The Constitutional Court ruled in May that an election should be held in Maradi Region to name a replacement for a National Assembly seat after the incumbent died in January. In July the government announced it would not hold the required election, stating the cost was too high. The lead opposition coalition maintained that President Issoufou was in breach of the constitution for failing to implement the decision and should be removed from office, but the Constitutional Court declined to act.

The government also removed several locally elected mayors in different incidents during the year.



The law allows the national government to remove mayors who are not performing the required functions of their jobs or who have violated the law. The law does not specify due process in such cases, and allows the government to replace the mayors with nominees of its own choosing. Most of the mayors removed belonged to the main opposition political party, and critics charged that their removal was politically motivated.

Political Parties and Political Participation: The government intermittently banned opposition political party activities and limited opposition access to state media. Opposition parties and civil society groups criticized voter registration efforts, noting some citizens were not able to register and citing concerns regarding inflated registration figures in some regions.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and women and minorities participated. Cultural factors, however, limited women's political participation. The law mandates that women fill at least 30 percent of senior government positions and at least 15 percent of elected seats. There were eight female ministers in the 43-member cabinet (19 percent). Women held 28 of 171 National Assembly seats (16 percent). All major ethnic groups had representation at all levels of government. There were eight seats in the National Assembly designated for representatives of "special constituencies," specifically ethnic minorities and nomadic populations.

## Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The government publicly acknowledged corruption was a problem, and there were several reports of government corruption during the year.

Corruption: Civil servants often demanded bribes to provide public services. A poorly financed and trained law enforcement establishment and weak administrative controls compounded corruption. Other contributing factors included poverty, low salaries, politicization of the public service, traditional kinship and ethnic allegiances, a culture of impunity, and the lack of civic education.

The so-called Uraniumgate case came to light in February when a local newspaper, *Le Courier*, published documents showing a \$320 million bank transfer from the state mining company, Sopamin, to an offshore company in 2011. The government was presumed to have lost millions of dollars as the president's former chief of staff improperly intervened in the state mining company's purchase of uranium. On April 28, the parliament released a report in which it found no evidence of wrongdoing by any government officials in the transaction. Opposition parliamentarians claimed the official investigation was botched. An effort mounted by civil society organizations (CSOs) to open a civil case into the affair was blocked by the judge's demand that the plaintiffs deposit 20 million CFA francs (\$37,000) to fund the investigation. Subsequently, under reported government pressure, the bank used a provision of the antiterror law related to money laundering to close the account into which the CSOs were raising funds, leaving the CSOs unable to open a civil case. The CSOs then focused their attention on a case proceeding in France against one of the uranium mining companies.

Financial Disclosure: The constitution requires the president of the republic, presidents of other government institutions, and cabinet members to submit written statements of their personal property and other assets to the Constitutional Court upon assuming office, and they complied. These statements are to be updated annually and at the end of an individual's tenure. The National Register and the press published the initial statements and updates. Copies of the statements were forwarded to the government's fiscal services. Filers must explain any discrepancies between the initial and the updated statements. The Constitutional Court has authority to assess discrepancies, but there was no indication it questioned a declaration's veracity or imposed sanctions. The law does not allow designated officials to purchase or rent, by themselves or through other parties, any government-owned property or to bid for government contracts. The High Authority to Combat Corruption and Related Crimes and the State Inspectorate have investigative roles, with the State Inspectorate being more administrative.

## Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. At times the government, citing security concerns, restricted access to certain areas of Diffa Region.

Government Human Rights Bodies: The CNDH is responsible for investigating and monitoring a wide variety of human rights issues, including prison and detention center conditions. The Office of the Mediator of the Republic served as an official government ombudsman, including on some human rights issues. The CNDH and the mediator operated without government interference, although they often lacked the resources necessary to carry out their work effectively.

The government maintained organizations to fight trafficking in persons: the National Commission for the Coordination of the Fight against Trafficking in Persons, which serves as the supervising board for the National Agency for the Fight against Trafficking in Persons. Both organizations complained of funding shortfalls.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

### Women

Rape and Domestic Violence: Rape is punishable by 10 to 30 years in prison, depending on the circumstances and age of the victim. Rape was a widespread problem and stigmatization continued.

The law does not explicitly recognize spousal rape, and authorities seldom prosecuted it. Victims often sought to deal with the rape within the family or were pressured to do so, and many victims did not report spousal rape due to fear of retribution, including loss of economic support.

The law does not explicitly prohibit domestic violence, but violence against women was reportedly widespread. Husbands commonly beat their wives.

A woman may sue her husband or lodge criminal charges for battery, penalties for which range from two months in prison and a fine of 10,000 CFA francs (\$18) to 30 years' imprisonment. The government tried with limited success to enforce these laws, and courts prosecuted cases of domestic violence when they received complaints. Charges stemming from family disputes often were dropped in favor of traditional dispute-resolution mechanisms. While women have the right to seek redress for violence in the customary or formal courts, few did so due to ignorance of redress offered by the legal system and fear of spousal or familial repudiation, further violence, or stigmatization.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, which is punishable by six months to three years in prison. If an FGM/C victim dies, the practitioner may be sentenced to 10 to 20 years in prison.

For more information, see [data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/](https://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/).

Other Harmful Traditional Practices: The practice continued of taking a "fifth wife," or "wahaya," in which girls and women were sold into slavery to perform labor and sexual services.

Sexual Harassment: Sexual harassment is a crime punishable by prison sentences of three to six months and fines of 10,000 to 100,000 CFA francs (\$18 to \$180). If the violator is in a position of authority over the victim, the prison sentence is three months to one year and the fine is increased to 20,000 to 200,000 CFA francs (\$36 to \$360). Nevertheless, sexual harassment was common. Courts enforced applicable laws in the small percentage of cases reported.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: Although the constitution provides for equal legal status and rights regardless of sex, women do not have the same rights as men under family law, which customary courts usually adjudicate. In customary law, legal rights as head of household typically apply only to men. Customary law does not consider a divorced or widowed woman, even with children, to be a head of household. Discrimination was worse in rural areas, where women helped with subsistence farming and did most of the childrearing, cooking, water- and wood-gathering, and other work. In the absence of a formal will stating otherwise, a daughter's share of a deceased parent's property is half the size of a son's share.

## Children

Birth Registration: Children derive citizenship from their parents, as long as one parent is a citizen. Birth registration, especially in remote rural areas and in nomadic communities, did not take place promptly due to parental poverty, lack of awareness, and distance from government services. The government's failure to register births did not result in denial of public services. For additional information, see Appendix C.

Education: Although the law provides for education for all children from age four to 18, compulsory education for children of specific ages was not enforced. Students often had to buy their own books and supplies. Many parents kept young girls at home to work, and girls rarely attended school for more than a few years.

Child Abuse: Violence against and abuse of children were common. The law prescribes penalties for child abuse. For example, parents of minors who usually engage in begging, or any person who encourages children to beg or profits from their begging, may be sentenced to six months' to one year's imprisonment. The abduction of a minor less than 18 years of age is punishable by two to 10 years' imprisonment. The penalty for abduction for ransom is life imprisonment.

During the first quarter of the year, 2,633 children (34.83 percent of whom were girls) received services through the Protection Service within the Ministry for the Promotion of Women and the Protection of Children. Among these the government reported 131 cases of mistreatment and 74 cases of sexual abuse.

Early and Forced Marriage: The law allows a girl deemed to be "sufficiently mature" to marry at age 15. Some families entered into marriage agreements under which they sent rural girls who were 12 or even younger to their husband's families to be under the "supervision" of their mothers-in-law.

The government, with the support of the African Union and UNICEF, ran campaigns aimed at reducing the prevalence of early marriage. The Ministry of Women's Promotion and Children's Protection cooperated with women's associations to sensitize traditional chiefs and religious leaders in rural communities to the problem of early marriage. For additional information, see Appendix C.

Sexual Exploitation of Children: Although the law criminalizes the procurement of a minor for the purpose of prostitution, child prostitution was a problem. The minimum age of consensual sex is 13 for both boys and girls.

The law provides that "exploitation shall include, at minimum, slavery or practices similar to slavery" and adds that the recruitment, transport, transfer, harboring, or receiving of a minor under the age of 18 for the purpose of exploitation shall be considered trafficking in persons. The penalty for violators is five to 10 years in prison and a fine of 500,000 to five million CFA francs (\$919 to \$9,190). If the victim is under the age of 18, the penalty is 10 to 30 years' imprisonment. If the victim dies, the penalty is life imprisonment.

The penal code provides for two to five years' imprisonment and a fine of 50,000 to 500,000 CFA

francs (\$91 to \$910) for the prostitution of children. The law prohibits “indecent” acts against victims under the age of 18. It leaves to judges to determine what constitutes an indecent act. Girls, in particular, reportedly were trafficked for forced prostitution. Families of victims were often complicit in child prostitution.

Infanticide or Infanticide of Children with Disabilities: Infanticide occurred, and a sizeable proportion of the female prison population was incarcerated for this crime, which was often committed to hide pregnancies out of wedlock.

Displaced Children: Many displaced boys from rural areas were indentured to Islamic schools, where they were forced to beg on the streets of larger cities. Displaced children had access to government services. Unaccompanied migrant children transited Niger en route to Libya, Algeria, and Europe. Some unaccompanied migrant children travelled to the Djado gold fields to find work in unregulated gold mines.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](https://travel.state.gov/content/childabduction/en/legal/compliance.html).

## Anti-Semitism

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There was no significant Jewish community, and there were no reports of anti-Semitic acts.

## Trafficking in Persons

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See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](https://www.state.gov/j/tip/rls/tiprpt/).

## Persons with Disabilities

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The constitution and law prohibit discrimination against persons with disabilities. The government generally enforced these provisions. There were no specific regulations in place mandating accessibility to buildings, transportation, and education for persons with disabilities. The law mandates that new government buildings be accessible to persons with disabilities, but often architects and construction firms ignored this requirement; the law was not enforced.

Children with disabilities attended school but faced difficulties, including a lack of adapted instruction and materials as well as with the evaluation system. There were three schools for children with hearing disabilities, one school for blind children, and five inclusive classes for blind children in mainstream public schools.

## National/Racial/Ethnic Minorities

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Members of the Buduma and Bororo Fulani minority ethnic groups faced governmental and societal discrimination due to a widespread perception that the two groups supported or facilitated Boko Haram’s activities.

## Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

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There was strong societal stigma against same-sex sexual activity, but there are no laws criminalizing consensual same-sex sexual activity in general. The law states an “unnatural act” with a person under the age of 21 of the same sex is punishable by six months to three years in prison and a fine of

10,000 to 100,000 CFA francs (\$18 to \$180).

Gay men and lesbians experienced societal discrimination and social resentment. Two gay rights associations reportedly conducted their activities secretly, in part because they were not officially registered. There were no reports of violence against individuals based on their sexual orientation or gender identity. There were no documented cases of discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation. Observers believed stigma or intimidation impeded individuals from reporting such abuse.

## **HIV and AIDS Social Stigma**

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Persons with HIV/AIDS experienced societal discrimination, although strong government efforts discouraged such discrimination. In conjunction with several other organizations working on HIV/AIDS issues, the government continued its antidiscrimination campaign. The labor code provides for protection against discrimination for persons suffering from diseases such as HIV/AIDS and sickle cell anemia.

## **Other Societal Violence or Discrimination**

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There continued to be serious stigma associated with being the descendant of a slave.

# **Section 7. Worker Rights**

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## **a. Freedom of Association and the Right to Collective Bargaining**

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The constitution and law provide for the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. The law provides for freedom of association, but the government had not adopted implementing regulations to enforce the law. While there were no provisions that limit collective bargaining in nonessential services, certain provisions restrict certain categories of public servants not engaged in the administration of the government from exercising their right to collective bargaining.

Children ages 14-15 are permitted to work (although there are limits on the hours and type of work) but are not permitted to join unions. Magistrates, lecturers, and researchers in universities and similar institutions; staff of administrations, services, and public establishments of the government that are industrial or commercial in nature; staff of the customs, water, and forestry services; and staff of the National Academy of Administration and Magistracy, territorial communities, and the parliamentary administration have the right to join unions or organize.

The right to strike excludes police and other security forces. The law restricts the right to strike by public servants in management positions and workers in certain “essential services,” the scope of which was broader than that envisioned in ILO conventions. The law defines strategic and/or essential services that require minimum service during a strike, including telecommunications, health, government media, water supply, electricity distribution, fuel distribution, air traffic control, financial services, public transportation, garbage collection, and government authority services. Legal restrictions usually involve requiring civil servants to report to work during a legally notified strike. There are no prohibitions on strikes in nonessential services. Workers must give employers at least three days’ advance notice of intent to strike. The government may call for mandatory arbitration in lieu of a strike.

The law allows unions to conduct their activities without interference. The law prohibits antiunion discrimination and provides for damages (instead of reinstatement) for workers dismissed for union activity. There are no provisions applicable to public service employees, however, that explicitly

prohibit acts of antiunion discrimination or interference, or that prescribe sufficient penalties to deter violations in the public sector.

The government effectively enforced applicable laws in the public and private sectors. Penalties for violations included imprisonment and fines; these penalties were generally sufficient to deter violations. Enforcement in the informal sector, however, was limited because this sector was largely nonunionized.

Authorities respected freedom of association and the right to collective bargaining, and workers exercised these rights. Unions exercised the right to bargain collectively for wages above the legal minimum and for more favorable working conditions. There were no reports of antiunion discrimination or retaliation for union activities during the year.

## **b. Prohibition of Forced or Compulsory Labor**

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While the law prohibits forced labor, it does not prohibit all forms of forced or compulsory labor. The term “forced or compulsory labor” is interpreted to mean “any labor or service required of a person under the threat of punishment and for which the individual has not given full consent.” The government did not effectively enforce these laws.

The labor code imposes stringent penalties including fines and imprisonment for forced labor, but the penalties were not sufficient to deter violations. Information on the number of victims removed from forced labor was not available.

The government, particularly the Ministry of Interior and the Ministry of Labor and Civil Service, made efforts to reach out to administrative heads and religious and traditional chiefs to discourage forced labor, especially traditional slavery. Enforcement of the law, however, was sporadic, particularly outside the capital.

Forced labor remained a problem. A study conducted by the government and the ILO concluded that in 2011 the prevalence of forced labor was 1.1 percent among the adult population (more than 59,000 persons), 48.8 percent of whom were engaged in domestic work, and 23.6 percent in agriculture or stockbreeding. These percentages were higher in the regions of Tillabery, Tahoua, and Maradi.

The Tuareg, Djerma, Peulh, Toubou, and Arab ethnic minorities throughout the country, particularly in remote northern and western regions and along the border with Nigeria, practiced a traditional form of caste-based servitude or bonded labor. Persons born into a traditionally subordinate caste or descent-based slavery sometimes worked without pay for those above them in the social order. Such persons were forced to work without pay for their masters throughout their lives, primarily herding cattle, working on farmland, or working as domestic servants. Forced child labor occurred (see section 7.c.).

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **c. Prohibition of Child Labor and Minimum Age for Employment**

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The law prohibits the use of child labor and the employment of children under the age of 14 except as authorized by decree. It prohibits children under 12 from working. Children who are 12 or 13 may perform nonindustrial light work for a maximum of two hours per day outside of school hours with a labor inspector’s authorization, as long as such work does not impede their schooling. Light work is defined as including some forms of domestic work, fruit picking and sorting, and other nonindustrial labor. Children who are 14 to 17 may work a maximum of 4.5 hours per day. Children may not perform work that requires force greater than their strength, may damage their health or development, is risky, or is likely to undermine their morals. The minimum age for hazardous work does not meet the international standard of 18 years of age. In addition, the law does not prohibit hazardous occupations and activities in all relevant child labor sectors, including agriculture. The law



requires employers to provide minimum sanitary working conditions for children. The law does not apply to types of employment or work performed by children outside an enterprise, such as self-employment.

The government did not effectively enforce child labor laws, in part due to resource constraints that limited inspectors of the Ministry of Labor and Civil Service. Penalties for violations included fines and imprisonment, but these were not adequate to deter violations. The laws rarely were applied to work performed by children in the nonindustrial/informal sector. The government worked with international partners to provide relevant education as an inducement to parents to keep their children in school.

Child labor was prevalent. The government reported that 30.5 percent of children ages five to 17 were working in 2014. According to a 2012 national survey, approximately 43 percent of children between five and 17 years of age (an estimated 1.9 million) were engaged in labor. Almost 62 percent were engaged in hazardous types of work. A study in 2009 indicated that 2.8 percent of working children (an estimated 55,000) were engaged in forced child labor. Implementation and enforcement of policies were not as strong as needed.

Children worked in the agricultural, commercial, handicraft, mining, and domestic service sectors. There was particular concern over the use of child labor in the mining and agricultural sectors. The majority of rural children regularly worked with their families from an early age, helping in the fields, pounding grain, tending animals, gathering firewood and water, and doing similar tasks. Some families kept boys out of school to work as beggars alongside blind relatives.

There were reports some local religious teachers and loosely organized clandestine networks forced young boys to work as beggars and manual laborers and young girls to work as involuntary domestic servants, sometimes with the complicity of their families. Child labor occurred in largely unregulated artisanal gold mining operations as well as in trona (a source of sodium carbonate compounds), salt, and gypsum mines. The artisanal gold mines at Komabangou, Tillabery Region, continued to use many children, particularly adolescent boys and some girls, under hazardous health and safety conditions. The use of cyanide further complicated the health hazards. Komabangou miners, other residents, and human rights groups expressed deep concern about poisoning, but the practice remained widespread. Young boys from neighboring countries were trafficked into the country to work in mines, in quarries, on farms, as mechanics, or as welders. Children were also procured for commercial sexual exploitation.

Persons born into a traditionally subordinate caste or descent-based slavery sometimes worked without pay for those above them in the social order. Estimates of the number of slaves in the country were unreliable. Children became the property of their masters and could be passed from one owner to another as gifts or part of a dowry. Girls were forced to start work as domestic servants at a very young age and may be sexually abused by men in the household or forced to marry at a young age. Children's work included tending animals, gathering firewood, fetching water from wells or ponds, and performing other domestic tasks.

Also see the Department of Labor's Findings on the Worst Forms of Child Labor at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

## **d. Discrimination with Respect to Employment and Occupation**

The constitution provides for equal access to employment for all citizens. The labor code prohibits discrimination in employment and occupation based on race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV-positive status, sickle cell anemia, or other communicable disease. The code prescribes fines for persons engaging in discrimination. The code requires equal pay for equal work and provides benefits for persons with disabilities; however, the government did not effectively enforce the law.

The government, in general, did not effectively enforce the law. The government neither adopted any regulations to implement the labor code nor took any actions to prevent or prosecute employment discrimination. The government had inadequate resources to investigate reports of violations, and

penalties were insufficient to deter violations.

Discrimination in employment and occupation occurred with respect to sex and disability. Traditional and religious beliefs resulted in employment discrimination against women. The government requires companies to hire a minimum of 5 percent of individuals with disabilities; however, the government did not enforce the law. Workplace access for persons with disabilities remained a problem.

## **e. Acceptable Conditions of Work**

The labor code establishes a minimum wage only for salaried workers in the formal sector with fixed (contractual) terms of employment. Minimum wages are set for each class and category within the formal economy. The lowest minimum wage was 30,047 CFA francs (\$55) per month, with an additional 2,500 CFA francs (\$4.60) added per child per month. The government designated 1,000 CFA francs (\$1.83) per day as the poverty income level, and during the year the government reported 48.2 percent of citizens lived below that level.

The formal economy's legal workweek is 40 hours with a minimum of one 24-hour rest period, although the Ministry of Labor and Civil Service authorized workweeks of up to 72 hours for certain occupations such as private security guards, domestic workers, and drivers. The law provides for paid annual holidays. The law provides special arrangements regarding the mining and oil sectors whereby the Ministry of Labor and Civil Service may grant waivers regarding work hours based on these two sectors' specific nature and make allowances for working larger blocks of time in exchange for time off. Workers may work for two weeks beyond normal work hours, in compensation for which they are entitled to two weeks' rest. Employers must provide premium pay for overtime, although the law does not set a specific rate. The labor code calls for a maximum eight hours of overtime per week, but this was not enforced. Employees of each enterprise or government agency negotiate with their employer to set the rate.

The labor code establishes occupational safety and health standards, which were current and appropriate for the main industries. It extends labor inspectors' authority and provides for sanctions, including a mandatory appearance before labor inspectors for resolving labor disputes. By law workers may remove themselves from situations that endangered health or safety without jeopardy to their employment, and there are no exceptions from such protections for migrant or foreign workers. Nevertheless, authorities did not effectively protect employees in such situations. The nonunionized subsistence agricultural and small trading sectors employed approximately 80 percent of the workforce. In the nonunionized informal sector, despite the law, it was unlikely workers could exercise the right to sick leave without jeopardizing their employment.

The Ministry of Labor and Civil Service effectively enforced minimum wages and workweek laws only in the regulated formal economy. The inspectors responsible for enforcing the labor code were not sufficient to enforce compliance. Ministry officials observed that monetary sanctions were not stringent enough to deter violations.

Violations of provisions governing wages, overtime, and work conditions reportedly occurred in the petroleum and mining sectors, including at gold mines, oil fields, and oil refineries. Groups of workers in hazardous or exploitive work conditions included mineworkers, which included children, domestic workers, and persons in traditional slavery. In the traditional gold mining sector, the use of cyanide posed serious health hazards for workers and surrounding communities. An estimated 85 percent of the mining workforce worked in the informal sector.

Union workers in many cases did not receive information about the risks posed by their jobs. According to the Ministry of Labor and Civil Service, in 2013 there were 229 work-related accidents, including nine fatalities. All cases were compensated as required by law. Most accidents related to the mining sector.